



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Dennis Cvitkovitch, et al.

GROUP ART UNIT: 104

SERIAL NO.: 09/833,017

EXAMINER:

FILED: April 10, 2001

Padmavathi Baskar

FOR: - Signal Peptides, Nucleic Acid
Molecules and Methods for
Treatment of Caries

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ORIGINALLY FILED

Atty. Dkt. No. 1889-00401

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**AMENDMENT AND
RESPONSE TO RESTRICTION REQUIREMENT DATED JUNE 12, 2002**

Commissioner for Patents
Washington, DC 20231

Sir:

Applicants acknowledge receipt of the Office Communication dated June 12, 2002, and respectfully request that the above-captioned application be amended as follows:

In the Sequence Listing:

Please replace the Sequence Listing submitted on September 17, 2001 with the attached amended Sequence Listing.

REMARKS

In the Office Communication dated June 12, 2002, the Examiner required election of one of five restriction groups designated as follows:

- I. Claims 1-5, 22-28, 32-33 drawn to a polypeptide
- II. Claim 29 drawn to DNA
- III. Claims 1-5 and 30 drawn to an antibody
- IV. Claim 6 drawn to a method of treatment using a peptide
- V. Claim 6 drawn to a method of treatment using an antibody

The Examiner also required an election between SEQ ID NO. 2 and SEQ ID NO. 4. In response, Applicants elect without traverse the claims of Group I (claims 1-5, 22-28, 32-33) drawn to polypeptides. Applicants have amended the Sequence Listing so that the SEQ ID NOs in the

sequence listing correspond to the SEQ ID NOs in the description and claims of the application. This amendment does not constitute new matter.

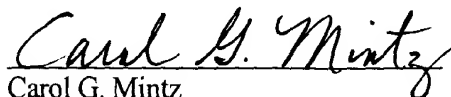
In light of the amendment, Applicants respectfully traverse the requirement stated in paragraphs 6 and 7 of the Office Communication dated June 12, 2002, and request that the Examiner reconsider the need for election of SEQ ID NO:2 or SEQ ID NO:4. It is now clear that the amino acid sequence of SEQ ID NO:4 is a component part of the larger amino acid sequence of SEQ ID NO:2. As such, the two sequences are closely related to each other and do not represent divergent subject matter. See, for example, paragraph 86 of the specification, where it states that "[t]his ORF was found to encode a peptide of 46-amino acid [SEQ ID NO:2] length, the precursor of the 21-amino acid CSP [SEQ ID NO:4]." Also, see paragraph 20 of the specification where it states: "... a peptide precursor [SEQ ID NO:2] that is processed during export into a secreted 21-amino acid peptide (CSP) [SEQ ID NO. 4] ..." Support for this position is also found in Figures 4 and 5 of the application.

Statement Under 37 CFR § 1.821(f)

The content of the Sequence Listing paper copy submitted herewith and the computer readable copy also submitted herewith are the same.

If the Examiner has any questions or comments regarding the foregoing, he is requested to telephone the undersigned. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose & Tayon, P.C. Deposit Account Number 03-2769.

Respectfully submitted,



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